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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,413	07/16/2003	Doron Handelman		7367

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Doron Handelman  
c/o ANTHONY CASTORINA  
SUITE 207  
2001 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202

EXAMINER
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KANG, JULIANA K

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/619,413

Applicant(s)

HANDELMAN, DORON

Examiner

Juliana K. Kang

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14,26-31 and 37-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14,26-31 and 37-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

1. Applicant's communication filed on September 1, 2005 has been carefully studied by the Examiner. The arguments advanced therein are not persuasive and the rejections based upon prior art made of record in the previous office action are hereby maintained. Thus this action is made final.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14, 26-31 and 37-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al (US 2002/0118441A1) and further in view of Johnson et al (U.S. Patent 6,636,337 B2).

Regarding claims 1-6, 9-14, 26-29, 37-52, Kang et al teach all-optical logic AND operation in a SOA-based Mach-Zehnder interferometer with nonlinear characteristics producing ON/OFF form of optical signals that are arranged in a rectangular arrangement (260 in Fig. 3) with some SOA arranged in parallelogram matrices (Fig. 1) and filter (300 see Fig. 3). However, Kang et al do not specifically teach first and second subsets of nonlinear elements. Kang et al teach that the unit logic device is crucial to the implementation of the optical computer, and can be used as the basic element of all-optical signal processing. An optical computer performs many different

Art Unit: 2874

tasks that require many combinations of different logic functions and units. Johnson et al teach an optical information processing system using different logic operation including combination of AND logic operations that are in a rectangular arrangement (see Fig. 10). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Kang et al's logic unit in various arrangements including in Johnson et al in order to perform a desired optical signal processing at very high speed.

Regarding claim 7, Kang et al show output signal and input signal that are traveling in opposite direction (fig. 1).

Regarding claim 8, Kang et al and Johnson et al do not teach a controller and driver interface operatively associated with the set of nonlinear elements. Using a controller and a driver interface in a system especially in an optical computer system requires some sort of controller and a driver interface in order to operate the system in an efficient manner. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a controller and driver interface in Kang et al and Johnson et al to perform the system in an efficient manner.

### ***Response to Arguments***

4. Applicant's arguments filed September 1, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually (Johnson does not show or suggest first and second subsets of nonlinear elements),

Art Unit: 2874

one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no motivation to combine Kang with John et al, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As stated above, Kang teaches an optical logic AND operation using nonlinear elements that is a basic element of an all-optical signal processing and Johnson et al teaches an all-optical signal processing using a plurality of AND operations. Combination of those two references does provided a plurality set of nonlinear elements and thus inherently can be *configured* to do any optical processing including OFF state of one set of nonlinear elements enabling another set of nonlinear elements to be configured to perform optical processing. Furthermore, please note that present claims do not recite any structural relationships between any of the nonlinear elements.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Mon. & Thur. 8:00-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JULIANA KANG**  
**PRIMARY EXAMINER**

*Juliana Kang*  
11/11/05